

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Colleen S. Francis

Docket No. 5:10-MJ-1385-1

Petition for Action on Probation

COMES NOW Van R. Freeman, Jr., probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Colleen S. Francis, who, upon an earlier plea of guilty to 18 U.S.C. § 13, assimilating NCGS 20-138.1, Driving While Impaired Level 5, was sentenced by the Honorable James E. Gates, U.S. Magistrate Judge, on January 11, 2012, to a 12-month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
2. It is further ordered that the defendant shall participate in any other Alcohol/Drug Rehabilitation and Education program as directed by the U.S. Probation Office.
3. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
4. The defendant shall surrender her North Carolina driver's license to the Clerk of this Court for mailing to the North Carolina Division of Motor Vehicles and not operate a motor vehicle on the highways of the State of North Carolina except in accordance with the terms and conditions of a limited driving privilege issued by the appropriate North Carolina Judicial Official.

On January 25, 2012, in response to the defendant's use of cocaine and marijuana, the court added the following condition to her supervision:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

On February 8, 2012, the court also continued the defendant's supervision after she was charged with Simple Assault and Damage to Government Property. Supervision was continued because her ex-boyfriend was also charged with Simple Assault during the altercation, the defendant claimed self-defense, and to await the adjudication of the charges. The charges have not gone to trial.

On April 5, 2012, in response to the defendant's positive test for cocaine use on April 4, 2012, the court modified her supervision to include the following conditions:

1. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of two days as directed by the U.S. Probation Office, and shall abide by all rules and regulations of the designated facility.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On December 18, 2012, the defendant submitted a urine specimen which tested positive for the use of cocaine. We recommend that her term of supervision be extended for a period of six months to allow her to attend an additional treatment program. The defendant signed a Waiver of Hearing agreeing to the proposed extension of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

That the term of supervision be extended 6 months from the expiration date of January 10, 2013 until July 10, 2013.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Van R. Freeman, Jr.
Van R. Freeman, Jr.
Senior U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: January 3, 2013

ORDER OF COURT

Considered and ordered this 3rd day of January, 2013, and ordered filed and made a part of the records in the above case.


James E. Gates
United States Magistrate Judge